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THE TABLET.—No. XXXVI.

"Whether the winner laughs or not, the loser will complain."

THE sources of clamor and disquietude in any society multiply in proportion as it becomes opulent and civilized. Nothing is more evident than that competition is a very forcible spring of action; and unless there are more men than business, more candidates than offices, private as well as public affairs will be managed with languor and inattention. The competitors are of course engaged in a kind of warfare with each other; and are only restrained from violent hostilities by those sentiments of politeness and propriety, which are inspired by good-breeding and a knowledge of the world. It is easy however to distinguish the different sides in which men range themselves, and the different objects they are pursuing. Those who are rivals may carry external marks of good-will and confidence, but the disguise is easily penetrated. As those who are disappointed and discontented form a more numerous class, than those who are satisfied and successful, it must be expected that complaints and reproaches will give the predominating tone to conversation. In whatever company one falls it must not therefore agitate him to find a strong propensity to complain.

In creating the various branches of the executive department of government, it is natural to expect the number of candidates will far exceed the places that are to be filled. This opens a great scene of competition. The inevitable result of such a situation is, that many persons must be disappointed, and some will be disgusted. It would be paying too great a compliment to human nature to imagine that, in the great number whose expectations are frustrated, there will be none who secretly wish, and even openly demonstrate their wishes, to impede the success, and blur the reputation of our national government. There is however a circumstance that will much, though perhaps not totally restrain a disposition to censure and oppose the administration.

It is so universally believed that our chief magistrate, in all his measures and appointments is actuated by just and impartial motives, that few of the disappointed will think it worth while to raise clamors. The public ear will be shut against the insinuations of the artful, and the reproaches of the petulant. As restless and discontented men are more active and vigilant, than those who enjoy a satisfaction of mind, either from fortunate affairs, or from a natural calmness of spirits, there will of course be more people to vex and disturb the government, than to applaud and vindicate its proceedings. From this view of the matter, honest and moderate men, who have the public prosperity at heart, should guard themselves against improper impressions from those, who will be apt to grumble through envy and disappointment. There are unavoidably a great proportion of persons in every society, who may be denominated unfortunate. Whether their ill luck is the effect of imprudence, or merely adverse fortune it may have the same influence on their temper, and judging by their own feelings, they may seriously imagine every thing is going wrong. In every community such men are capable of doing great mischief. The people of the United States are too well experienced in political transactions to be easily deceived, and drawn into tumult and dissensions. But still there is in human nature a strong propensity to take part with the unfortunate, and to believe their complaints have some foundation.

(To be continued.)

We are happy to have it in our power to enrich the Miscellany of the Gazette, by the following speculation on the interesting subjects of

REPRESENTATION and COMPENSATION.

I RECOLLECT but one good reason for a numerous representation of the people—that is, the greater certainty of having their interests and sentiments understood in the representative assembly. The objects of the national government are not the local, but the general concerns. Of course, a moderate number is sufficient. Responsibility decreases as the body increases. In a small assembly a member has more to do, and more to answer for. He is more in public view, and feels his industry, and his generous passions excited by a stronger stimulus. In a numerous assembly he feels his personal weight and influence diminished. The members will act less as individuals, and more by combinations and parties. If a man has not great talents, singly, he can do little. If he has, he gains an ascendancy, and attaches many to his views. Their association is cemented by the sympathy of acting together—by the fear of losing a favorite point—by the anger on having it disputed—by the joy of gaining it, or the chagrin of a disappointment. By degrees the two

sides are divided, strongly marked and agitated by the spirit of their body (l'esprit de corps, as the French term it.) In fact, all great assemblies have been led astray by the spirit of party. Perhaps all parties are nearly equally vindictive, violent and blind. The true check upon them is the interposition of the public sentiment. A free press, and an enlightened people will form a controul over all parties; and oblige them to seek the means of superiority and power by the promotion of the public good. Party spirit is an evil; but it is the inevitable consequence of a numerous assembly. It is not, however, impossible to draw good from evil. These are the consequences which result from the principles; but it is obviously preferable to exclude the evil, if possible. Though parties may promote the public good, they often do infinite mischief. They disturb the tranquility, impair the happiness, and endanger the safety of society.

Whether it is possible so to constitute a small assembly as wholly to banish, or in a considerable degree to restrain this spirit, is a problem of some nicety. Its solution is highly important to mankind, and especially to the United States. A government strong by the means of a rich treasury, by troops, and by the habits of a people broken to subjection may be disturbed, but will not be endangered by party disputes. But in America, government rests on public opinion, and we should carefully avoid those causes which are powerful enough to subvert its foundations.

In forming a legislative assembly, we should counteract as much as possible the gregarious disposition of the members, which is the aliment of faction. It will be necessary to analyze the human character, and to lay open the motives which lead public men to combine together, and to act in parties. It is true that a public life calls forth the strongest passions of the heart. But it is also true that these passions are not continually in action. On great and rare occasions, they are roused to act with violence. But ordinarily they are held suspended by motives of less strength, but of a more uniform and permanent influence. These motives are the sense of weakness, the love of ease, and the love of power.

Suppose a member of common ability in an assembly of fifty. He has a fiftieth part of the duty, as well as of the weight of the body. Increase the assembly to two hundred members. His voice will lose three fourths of its influence. He will lose more of his responsibility—be further removed from public view—and as party influence will be more active, he will probably lose nine tenths of his personal weight, and his vote will become proportionably of less consequence to his constituents, and to the public. Suppose him a weak but well intentioned man, his sense of weakness and sense of duty will combine to subject him to the influence of some leading member. Knowing that his voice will not govern the vote of any other, and doubting how to give his own, he will relieve his suspense by following the guide in whom he places most confidence.

The love of ease is a more powerful agent than is generally supposed. It is the greatest impediment to eminence. Rest is the reward of labor, and the hope of this reward is probably one of the springs of action, even with those men who seem to abhor repose. We compare action with rest. We calculate the value of the object proposed to be attained by our exertions, and the price of those exertions. A member conscious of being able to effect little, singly, will not make the attempt. He will be obliged to add his strength to a party. There is something unaccountable in the sympathy of many minds. Probably a large assembly of the wisest men would not be wholly exempt from that distrust of their own understandings, and that complacency towards the errors and wishes of one another which has been found totally to banish reason, and even humanity, from mobs and riotous meetings.

That the administration of a government should correspond with its principles, and be secured from faction and commotion, it seems to be important that the legislative powers should be lodged in as few hands as may be necessary for procuring information of the state of the society, and that they should be carefully selected from the best informed and best disposed citizens—men, who understand, and are able to manage business, and who, in a body of fifty, are individually important, will act more according to the dictates of their own understandings, and be less influenced by party passions than the assembly of two hundred. The great question of the Constitution had divided the community. It was natural to expect the new Congress would be tinged with the hue of the rival parties. It is not owing to any miracle, suspending the human passions, that the national legislature has been so remarkably

distinguished by the spirit of candor and moderation. Nothing like faction or cabal and intrigue has been charged upon that body—and the public are disposed to think favorably of their patriotism and independency of sentiment. Two events may be contemplated, either of which would wholly change the character and conduct of the assembly; increasing the number of the members would expose the government to faction—it would diminish the agency of the understanding, and augment that of the passions. Improper persons would more easily get elected. For the number of suitable persons is not great in any country—of these, many will be indisposed to the duty. Probably, this country is as little deficient in this respect as any whatever. If however more representatives are to be elected than a due proportion of those who are willing and qualified to serve, the probability of inferior candidates being elected will rise. Learned men have disputed whether so large a territory could remain united under one government, even if the administration should be entrusted to men of consummate wisdom and incorruptible virtue. The chance would be made considerably more unfavorable by the appointment of men of a different character.

To make the people happy, and the government permanent, two principles must be regarded. That the members of the legislature be few, and that provision should be made for drawing forth the best qualified citizens to serve.

In a republic, it is not necessary, perhaps not safe, that a citizen should be allowed, and surely he should not be obliged to lay the public under obligations of gratitude to him by serving at a loss. Pay for services is as republican as it is equitable. Adequate compensation may be understood very variously in its application to particular cases. It must always mean such compensation as will secure to the public the performance of the services in question. If the pay of the members of the Legislature is established at an higher rate than is necessary to secure the attendance of men best qualified to serve, it is improper. The interest of the people requires the adoption of the principle insisted upon. Many will dispute the application of the doctrine to the case, though none will deny the doctrine itself. The dispute, if any should arise, will be of the less consequence, because as it is a question of fact only, no inference unfavorable to the intentions of the house could be drawn from the tenor of the bill which has passed the house of representatives. Those who may happen to be violent on the subject, will be sorry to find any reasons to vindicate what has been done, because it will disappoint their passions of an expected gratification. But candid men will consider the principles which have been discussed in this speculation, and they will not overlook the rate of compensation which has been allowed to members of the former Congress by the respective States—the average of which is said to be equal to the sum proposed by the bill. They will also note that that body being in session the whole year was better paid than the new Congress, which, probably, after the first year will not sit more than one fourth of the time, and that the recesses, and the diminished business of eighteen hundred members of the State Legislatures will make a saving by the national government. Perhaps, however, it would have been advisable to have reduced the pay, as it is not an object which the members will deem a balance for any subtraction of the approbation and confidence of the people.

Another circumstance is worthy of being mentioned. The difficulty of preserving a government over a great tract of country is principally in proportion to the inconvenience of assembling the members from the extreme parts to the seat of government. Very low pay would render this inconvenience speedily intolerable, and produce a general desire for a division of the Union. The distant members submit to a kind of banishment, and cannot regulate their private concerns. This furnishes no reason for profusion and extravagance—but it is hereby a caution against extreme parsimony. There is a just medium which is to be preferred—it will extend the principle of Union to the extremities, and bring the outside of the circle nearer to the centre. The people will consider, therefore, whether the Union is not more valuable than any other object, and whether they would desire to have any small savings of money, which, in any future period, should endanger that blessing. These observations are submitted to the candid public. If upon an impartial examination, they should be found to have less weight than the writer has given them, the voice of the public will unquestionably reach the walls of the Legislature. For in this country, the general sentiment of the wise and worthy is law.

MR. FENNO,

If you and your brother-editors can find room for the following remarks, among your political disquisitions, you may forward the work of improvements in literature, and by shaking the throne of prejudice and false philosophy, you may bring about a revolution in favor of common sense.

THERE is not a subject in literature so generally despised as Grammar; yet there is not a subject of more consequence. The reason why it is so odious to every body but schoolmasters, may perhaps be this. The authors who have treated of this subject, however eminent for erudition, have been wholly ignorant of the origin and construction of the English language; and have, by false arbitrary rules, attempted to discard the idioms of the language, and introduce something different from common practice. Now real Grammar is nothing but common practice; and when a man rises up and tells a nation, they are all blockheads, and their language incorrect, and vulgar, it is but just that they in return should call him a pedant, and despise his rules. This has been the fate of the three most celebrated philologists of the English nation, Johnson, Lowth, and Harris. These writers, great indeed in Greek and Latin, but knowing nothing of the true principles of English, have labored to prove their native language full of errors and defects, and to correct the one and supply the other by foreign rules. The authority of their names has had an unhappy effect upon the language—it has persuaded the learned to resign the true idioms of the language and introduce many corruptions into books; while the body of the nation, governed by habit, retain their former practice. Hence the difference between the language of books and conversation—a difference generally illfounded, and improper. To shew how superficially some of these great men, as they are called, have considered the subject, let me request my readers to attend to the following examples. Lowth tells us, that the phrase *I am mistaken*, means *I am misunderstood*. Strange indeed that so great a man should be so mistaken. Let me ask what is it that constitutes the meaning of a word? Every rational man will reply, the sense which a whole nation annex to it in practice. If I say, *I am mistaken*, does not every man, woman and child understand me to mean, *I am wrong*, or *in an error myself*? This cannot be denied. This common understanding then constitutes the true signification of the phrase, and no man, not even a Right Reverend Father in God, has a right to say it is not the meaning. The truth is, when applied to persons, *mistaken* is always used in this sense, and in no other. It has lost its participial meaning; in the same manner as *fraught* and *drunken*, tho derived from *freight* and *drink* have lost all idea of action and become mere adjectives; so that it is improper to use them in the participial manner; *he has fraught a vessel, a man has drunken*. Yet as adjectives denoting a quality, the one denoting *very full*, the other a *state of intoxication*, they are both correct and expressive; *a man fraught with mischief, a drunken man*.

Lowth says likewise adjectives are improperly used for adverbs; as *extreme cold*. Why did the good Bishop overlook the phrases *full sweet, very cold*? Will any man deny the latter to be good English? It will be said *very* is an adverb. Not at all: The adverb is *verily*. *Very* is always an adjective, as, *this is the very man*: It is simply the French *vrai*, true; formerly written in English *veray*, and in modern times, *very*. The truth is, it is an idiom of the language, co-eval with its formation, that one adjective may qualify another: and the idiom of the language is not only one, but the only ground of grammatical rules. Yet this idiom has always been overlooked.

Another example. Dr. Samuel Johnson writes "he needs not be very careful;" instead of the common phrase, *he need not*. How surprising it is that a whole nation should overlook the reason why *need*, in the usual practice of speaking, is correct English, without the personal termination! *Need* when used alone and followed by an object, is regular; *he needs support*. But when followed by another verb, it is considered as a helper; as well as *will, can or may*; and *he needs not go*, is as bad English as *he wills not go, or cans not go*. This distinction has been observed in *will, he will not go, he wills it*, and why it should have been overlooked in *need and dare*, when it is strictly observed in practice from the prince to the washer-woman, is really surprising.

Lowth, with his head full of Latin rules, recommends *averse* from instead of *averse* to; and many American writers have adopted it. From is a noun signifying *beginning* and *to*, a noun signifying *end*. "A man goes from New-York to Boston;" That is, "he goes beginning New-York, end Boston." This construction is not more curious than true; as modern discoveries have clearly proved, that rude nations talk first by names only; and that all our particles, are old Gothic nouns and verbs. *I am averse from war*, therefore is simply this, *I am averse beginning war*. This is not the meaning; for *averse* denotes a quality or state of the mind, *beginning* in my own breast, and directed to the object, war. Hence the old phrase *averse* to is correct, and will stand the test of all the criticism in the nation.

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I will not multiply examples. Horne Tooke has made some valuable discoveries, which will be the basis of the first English Grammar ever published. The philological writers in America, have not the authority of a Right Reverend, a D. D. or a L. L. D. to give weight to their opinions; but their attempts to correct the taste of our youths, by stripping the learning of this country of its pedantry, will finally prevail over prejudice, and call back the student to the principles of common sense.

SKETCH OF PROCEEDINGS OF CONGRESS.

In the HOUSE OF REPRESENTATIVES of the UNITED STATES.

WEDNESDAY, AUGUST 12, 1789.

THE engrossed bill, providing for the expenses which may attend negotiations, and treating with the Indian tribes—and for appointing commissioners to superintend the same, was read, when the House proceeded to fill up the blanks.—It was moved that the sum of forty one thousand dollars be inserted in the first blank. This motion was opposed by Mr. SUMPTER, Mr. GERRY, and Mr. LIVERMORE.—It was said, that a previous estimate of the expenses necessary to be incurred, ought first to be exhibited to the house—that great frauds and abuses had been complained of in these negotiations—that the whole amount of the revenue would fall short of the necessary expenses of the current year, and therefore it was incumbent on the House to grant monies with due caution and deliberation.—That it could not be contended that so large a sum was requisite, but on the supposition of a very large number of Indians attending, and presents being provided for them.—It was urged that the treaties would be as efficacious without collecting a whole nation together—and the custom of giving presents was reprobated by some of the members, as a measure fraught with useless expence, much mischief, and inconvenience.

Mr. JACKSON, Mr. HARTLEY, Mr. CLYMER, and Mr. BALDWIN supported the motion.—The latter gentleman produced a statement of the expenses which would arise from holding a treaty with the Creek nation only, of which it was expected that 1500 would attend.—It was observed that the sum moved for was to defray the expenses of treating with the Indian tribes in general—more particularly with the Wabash nation, and with the tribes to the southward of the Ohio.—That agreeably to the estimate, which was laid on the table, the whole sum moved for would be necessary; but if the house chose to have the treaties conducted upon different principles from what has been customary, they can make such alterations as they may see proper.

The motion for 41000 being put, it passed in the negative. Mr. MADISON then moved that the blank should be filled with 40000—this was likewise opposed—and the yeas and nays called for on the question—which are as follow:

AFFIRMATIVE.

Yeas—28. Messrs Baldwin, Benson, Brown, Burke, Cadwallader, Clymer, Cole, Fitzsimons, Gale, Griffin, Hartley, Huntington, Jackson, Laurance, Lee, Madison, Matthews, P. Muhlenberg, Page, Scott, Smith, (S. C.) Stone, Sylvester, Trumbull, Tucker, Vining, Wadsworth, Wynkoop. twenty-eight.

NEGATIVE.

Noes—23. Messrs Ames, Boudinot, Carroll, Floyd, Gerry, Gilman, Grout, Heister, Hathorn, Leonard, Livermore, Moore, Parker, Partridge, Van Rensselaer, Schureman, Sedgwick, Seney, Sherman, Smith, (M.) Sturgis, Sumpter, Thacher.

Majority 5.—So the motion obtained.

The blank in the clause for allowing a compensation to the commissioners was filled with Eight Dollars pr. day, exclusive of their actual expenses at the place of holding the treaties.

Upon motion Mr. P. MUHLENBERG, and Mr. WADSWORTH were added to the committee appointed to bring in a bill providing a system of regulations for the militia of the United States.

Adjourned.

[It should have been noticed before, that Messrs FITZSIMONS, LAURANCE, and GRIFFIN, were appointed a committee to bring in a bill, to establish the salaries of the officers in the executive department.

N. B. In the committee of conference on the part of the Senate, mentioned in our last, for "Jackson" read JOHNSON.

THURSDAY, AUG. 13.

The engrossed bill providing for the expenses of negotiations and treating with the Indians, &c. was read, and passed to be enacted.

Mr. LEE moved that the House should resolve itself into a committee of the whole on the state of the Union, to take into consideration the report of the committee on amendments to the Constitution.

The immediate adoption of this motion was advocated by Mr. MADISON, Mr. PAGE, and Mr.

HARTLEY—and opposed by Mr. SEDGWICK, Mr. SMITH, (S. C.) Mr. GERRY, Mr. LAURANCE, and Mr. SHERMAN.—The latter gentlemen generally observed, That there was a great variety of business before the house, which it is of the greatest importance should precede the consideration of all other—that it appears absurd to make alteration in a form of government, before it has an operative existence—that it is of the first consequence to complete the judiciary bill—that without this and several other bills now pending in the house, we cannot carry one of the revenue laws into execution—not a breach of the laws of the United States can be punished—not a vessel can be seized.—The discussion of the subject at this moment will obstruct the wheels of government, and throw every thing into confusion—mean time the United States are without law, and have no authority to punish a single crime. It was further said, that few, if any of the State assemblies are in session, and therefore it will unnecessarily consume the present time, which is so precious—that the people reposing full confidence in the justice, and wisdom of the House that this subject would have seasonable and due attention paid to it, are as anxious and solicitous to see the government in operation, as they are about amendments.

The Speakers against the motion severally expressed themselves in favor of taking up the subject as soon as the judicial, executive, and revenue departments were so far completed that it could with propriety be said that we had a government.

In support of the motion it was observed, That since the subject had first been introduced, so much time has elapsed, that if it is not now taken up, the people will be led to suppose, that it is the intention of Congress never to do any thing in the business—that the people are extremely anxious upon the subject—and nothing short of a conviction that those rights, which they conceive to be in danger as the Constitution now stands, will be placed in a state of greater security, will quiet their apprehensions—that the number of those in favor of amendments consisted of a large and respectable proportion of the citizens of the States—that the peace and tranquility of the Union depend upon a proper attention to their just expectations—that if those who are anxious for amendments, had been added to those who openly opposed the Constitution, it would have probably met a quite different fate—that except these amendments are made, the government will want the confidence of the people, and that energy which is necessary to its existence—that the same reasons for a postponement have repeatedly been assigned, and there is no prospect that a more convenient opportunity will offer. The question being put on the motion of Mr. LEE, it passed in the affirmative. The House accordingly formed into a committee of the whole.

Mr. BOUDINOT in the chair.

The report of the committee was then read—the first article of which is in these words, viz:

In the introductory paragraph of the Constitution, before the words "We the people," add, "Government being intended for the benefit of the People, and the rightful establishment thereof being derived from their authority alone."

Mr. SHERMAN: I am opposed to this mode of making amendments to the Constitution—and am for striking out from the report of the committee the first article entirely. I conceive that we cannot incorporate these amendments in the body of the Constitution. It would be mixing brass, iron, and clay—it would be as absurd as to incorporate an act in addition to an act, in the body of the act proposed to be amended or explained thereby—which I believe was never heard of before.—I conceive that we have no right to do this, as the Constitution is an act of the people, and ought to remain entire—whereas the amendments will be the act of the several legislatures. Mr. Sherman then read a proposition which he moved should be substituted in place of the article in the report.

This being seconded, brought on an interesting debate—Whether the amendments should be incorporated in the body of the Constitution, or be made a distinct supplementary act.

Mr. MADISON supported the former, and said, that he did not coincide with the gentleman from Connecticut: I conceive, said he, that there is a propriety in incorporating the amendments in the Constitution itself, in the several places to which they belong—the system will in that case be uniform and entire—nor is this an uncommon thing to be done.—It is true that acts are generally amended by additional acts; but this I believe may be imputed rather to indolence—this however is not always the case, for where there is a taste for political and legislative propriety it is otherwise.—If these amendments are added to the Constitution by way of supplement, it will embarrass the people.—It will be difficult for them to determine to what parts of the system they particularly refer—and at any rate will create unfavorable comparisons between the two parts of the instrument. If these amendments are adopted agreeably to the plan proposed, they will stand upon as good a foundation as the other parts of the Constitution—and will be sanctioned

by equally as good authority.—I am not however very solicitous about the mode, so long as the business is fully attended to.

Mr. SMITH, (S. C.) agreed with Mr. Madison—and read that clause in the Constitution which provides that alterations and amendments when agreed to, shall become part of the Constitution—from whence he inferred, that it was evidently the design of the framers of the system, that they should be incorporated—nor is the house at liberty to adopt any other mode. Mr. Smith cited the instance of South Carolina, who instead of making acts in addition to acts, which had been found extremely perplexing, repealed their laws generally, in order to form a more simple and unembarrassing code.

Mr. LIVERMORE supported the motion of Mr. Sherman.—He adverted to the custom and usage of the British legislature, and of the several State Assemblies; in forming laws and additional acts. We have no right, he observed, to make any alterations or interpolations in the instrument—it will be attended with difficulties in some future day.

Mr. VINING observed, that he thought the mode was not essential—he therefore adverted to the expediency of the motion—adding amendments, said he, will be attended with a variety of inconveniences—it will distort the system—it will appear like a letter, which, carelessly wrote in haste, requires a postscript much longer than the original composition—This motion is founded upon the custom of amending acts by additional acts, to explain and amend preceding acts, a custom, which involves endless perplexities, and has nothing in reason to recommend it. I hope Sir, the motion will not obtain.

Mr. CLYMER advocated the motion: I wish Sir that the Constitution may forever remain in its original form, as a monument of the wisdom and patriotism of those who framed it.

Mr. STONE was in favor of Mr. Sherman's motion. If Sir, said he, the amendments are incorporated in the instrument, it will assert that which is not true—for this Constitution has been signed by the delegates from the several States as a true instrument—and therefore in this case we must go further, and say, that a constitution made at such a time was defective, and GEORGE WASHINGTON, and those other worthy characters who signed this instrument, cannot be said to have signed the Constitution.—According to the observation of the gentleman from South Carolina, respecting repealing laws to make a complete act, we must repeal the Constitution in order to make a new one—but will any gentleman say that this legislature has authority to do this? To incorporate these amendments, the Constitution must however be repealed in part, at least—The moment we prepare ourselves to do this, there is an end of the Constitution, and to the authority under which we act. Mr. Stone then replied particularly to the inference drawn by Mr. Smith from the passage which he had quoted from the Constitution, and observed, that the words could not imply any thing more than this, that such amendments, when adopted, agreeably to the mode pointed out, would be equally binding with the other parts of the system to which they do not specially refer.

Mr. GERRY enquired whether the mode could make any possible difference in the validity of the system, provided the sanction is the same—he conceived it could not.—The constitution in my opinion, said he, has provided that amendments should be incorporated—the words are express, that they shall become "part of this constitution." The gentleman, (Mr. Stone) says we shall lose the names of the worthy gentlemen who subscribed the constitution—but I would ask, whether the names would be of any consequence, except the constitution had been ratified by the several States? or will the system be of no effect since it is ratified, if the names were now erased?—If we adopt the mode proposed, we shall in all probability go on to make supplements to supplements, and thus involve the system in a maze of doubts and perplexities.—It appears to me, that in order that the citizens of the United States may know what the constitution is, it is necessary that it be comprized in one uniform, entire system.—If the amendments are incorporated, the people will have one constitution; but if they are added by way of supplement, they will have more than one: And if in the original system there should any clauses be found, which are inconsistent with the added amendments, the government will be compounded of opposite principles, both in force at the same time.

Upon the idea of gentlemen as to the sacredness of the original system, if amendment are made upon their plan, they will be considered in a point of light inferior to the original; in this view, amendments are of no consequence, and had better be omitted.—This would tend to defeat the salutary purposes of amendments altogether, by derogating from their dignity and authority.

Mr. LAURANCE was in favor of the motion made by Mr. Sherman—he said, it appeared to him impossible to incorporate the amendments in the constitution without involving very great ab-

furdities in the supposition—if they should be engrafted in the body of the constitution, it will make it speak a language different from what it originally did—What will become of the laws enacted under the instrument as it originally stood?—Will they not be vitiated thereby? The ratifications of the several States had respect to the original system.—It is true that a majority of them have proposed amendments, but this does not imply a necessity of altering the original, so as to make it a different system from that which was ratified.—The mode proposed by the motion is agreeable to custom—it is the least liable to objection, and appears to me safe and proper.

Mr. BENSON observed, that this question was agitated in the select committee, and the result is contained in the report now under consideration.—It should be remembered, that the ratifications of several of the States enjoin the alterations and amendments in this way; they propose that some words should be struck out, and the sentences altered—I do not conceive that incorporating the amendments can affect the validity of the original constitution—that will remain where it is, in the archives of Congress unaltered with all the names of the original subscribers.—The amendments are provided for in that instrument, and the completing those amendments is completing the original system—the records of the legislature will inform how this was done;—and for my part, I can see no difficulty in proceeding agreeable to the report of the committee.

Mr. PAGE said that he supposed that the committee of the whole is now acting upon the constitution as upon a bill—and they have a right, said he, to take up the subject paragraph by paragraph.

I am opposed to the amendment of the preamble of the constitution as proposed by the committee, as well as to the motion of the gentleman from Connecticut—I could wish therefore that we may not consume time in feeling the mere form of conducting the business—but proceed, after rejecting the first amendment, to consider those that are subsequent in the report.

Mr. LIVERMORE replied to Mr. Page—he said, that with respect to the constitution, the committee stood upon quite different grounds from what they did when discussing a bill, and he contended that it is not in the power either of the legislature of the United States, or of all the legislatures upon the continent to alter the constitution, unless they were specially empowered by the people to do it.

Mr. JACKSON advocated the motion of Mr. Sherman—he said, if we repeal this constitution we shall perhaps the next year have to make another—and in that way the people will never be able to know whether they have a permanent constitution or not.—The constitution in my opinion ought to remain sacred and inviolate—I will refer to the constitution of England—Magna Charta has remained as it was received from King John to the present day, and the Bill of Rights the same; and although the rights of the people in several respects have been more clearly ascertained and defined, those charters remain entire: A constitutional privilege has lately been established in the independency of the Judges, but no alteration in the constitution itself was thought proper. All the amendments are supplementary—the sacred deposit of English liberty remains untouched—their great charter remains unaltered, though defects have been supplied and additions made. The constitution of the United States has been made by the people; it is their own act, and they have a right to it.—I hope we shall not do any thing to violate or mutilate it.

I therefore heartily join in the motion for striking out the words and adopting the mode proposed by the gentleman from Connecticut.

Several of the gentlemen spoke repeatedly upon the subject, but time will not admit of our enlarging further.—The question on Mr. Sherman's motion being taken, it passed in the negative.

A doubt was then raised, whether it was necessary that the article in the constitution which requires that two thirds of the legislature should recommend amendments, should be attended to by the committee—this occasioned a debate,—an appeal was made to the chairman, who determined that the business while before the committee, should be transacted in the usual manner by a majority—an appeal was made from this judgment to the house, and on the question, being put, whether the chairman's decision was in order, it passed in the affirmative.

The committee then rose, reported progress, and had leave to sit again to-morrow. Adjourned.

FRIDAY, AUGUST 14.

Hon. ABIEL FOSTER, member from New-Hampshire, appeared, was qualified, and took his seat in the house this day.

In committee of the whole on the subject of amendments.

Mr. TRUMBULL in the chair.

Some progress was made in the discussion of the report of the select committee.—The question on the first paragraph, after a short debate, was put and carried in the affirmative.

In the second paragraph which respects the number of Representatives, it was moved that the words "one hundred and seventy-five" be struck out, and two hundred inserted. This motion obtained.

The third paragraph, respecting the compensation to the members of the legislature was also agreed to.

The committee then rose, and reported progress—and the house adjourned till to-morrow, 10 o'clock. [Sketches of the Debates this day, are unavoidably omitted.]

NEW YORK, AUGUST 15.

Extract of a letter from one of the eastern States, dated Aug. 3.

"I perceive by the the proceedings of Congress, that the house are about to take up the subject of amendments to the constitution—This, if true, will be considered by the friends to federal measures, as a stretch of complaisance at the expence of the interest of the United States.—I never yet met with a stickler for amendments who entertained an idea that this business would come upon the carpet, so long as Congress had any thing to do, that was essential to the organization of the government. Many persons are feebly alarmed at this appearance, who have hitherto repressed every repining thought, at the slowness with which public business has progressed—supposing that nothing would divert Congress from the steady pursuit of those objects on which the hopes of every friend to the Union are founded, till every department of government was established and completed, and the system put in full operation."

A correspondent observes, that the fears of those who have been anxious on the score of amendments, may be entirely done away; for though a majority of the present Congress are undoubtedly friends to the new government; and though the subject of amendments has lain dormant, yea, quite asleep through the States for many months; and though there is confessedly, very important and necessary business yet pending in the legislature, and though the time of adjournment draweth near; and though the subject of amendments is a difficult business and will take time and cause tedious debates, yet to "quiet the alarms," to "disipate the apprehensions" "allay the fears" and "annihilate the jealousies of the people"—the amendments are to be immediately attended to.

The subject of Amendments is now the general topic of conversation:—The suspension that is occasioned in the organization of the government, by taking up this most important of all subjects at this moment of leisure—this pause in the general expectations of the people, must be considered in a proper point of light—for tho in two days a certain assembly have hardly got their hand upon the knocker of the Door, as a certain hon. gentleman phrased it, yet the whole suite of apartments, NINETEEN in number, may be surveyed, examined, altered, amended, curtailed, enlarged, and appropriated, in ——— days, weeks, or months, at farthest.

A public Dispensary is a great blessing to a populous city:—Our rival sister Philadelphia, is bearing the palm from us in this and several other respects—for altho she may possess a peculiar knack of turning the bright side to the day, and setting off her various improvements in a very conspicuous point of view, yet comparisons apart, much credit is due to her public spirit, for her various public institutions: We are however happy to hear, that it is in contemplation to establish a Dispensary in this city.

Progress of ARTS and MANUFACTURES.

"At Albany they have established a glass manufactory, and at Boston is established another. The Albany glass is as cheap as that from Europe.

"In New-York the castor-nut, or *palm Christi*, grows well—and one or more mills are established, for the making of castor-oil.

"The cotton manufactory is established at Philadelphia and Beverly, and will be at Lancaster or York, in Pennsylvania. The Boston assembly have granted 500l. to the one at Beverly, as a gratuity for the advancement it has made. It is carried on with Arkwright's machines.

"Carding-machines are made as cheap and as well at Philadelphia, as in Europe.

COLLECTION LAW.

To show that crowns are of small consequence, Republicans their value prize in cents; One hundred and eleven cents paid down, Will buy the Gallic or the English crown.

ARRIVALS. NEW-YORK.

Wednesday Sloop Columbia, Irish, Turks-Island, 15 days.
Sloop Little Joseph, Merryday, Richmond, 3 do.
Ship Betty, Wheaton, New-Castle, 10 days.
Schooner Three-Friends, Marchalk, Curacao, 10 days.
Friday Brig Nelly, Allen, Aux-Cayes, 10 days.
Sloop Sally, Cook, St. Thomas's, 13 days.
Brig Olive Branch, Lawrence, St. Eustatia, 21 do.
Sloop Rambler, Peterfon, Rhode-Island 3 days.
Sloop Lady-Hayley, Tillinghurst, do. 3 days.
Sloop Peggy, Otway, St. Croix, 12 days.

COLLECTION LAW—concluded from our last.

And be it further enacted, That where any bond for the payment of duties shall not be satisfied on the day it became due, the collector shall prosecute for the recovery of the money due thereon, by action or suit at law, in the proper court, having cognizance therein; and in all cases of insolvency, or where any estate in the hands of executors or administrators, shall be insufficient to pay all the debts due from the deceased, the debt due to the United States on any such bond shall be first satisfied.

And be it further enacted, That when it shall appear that any goods, wares or merchandise of which entry shall have been made, in the office of a collector, are not invoiced, according to the actual cost thereof at the place of exportation, and that the difference was made with design to defraud the revenue, all such goods, wares and merchandise, or the value thereof to be recovered of the person making entry, shall be forfeited; and in any such case, or where the collector is suspicious of fraud, and that any such goods, wares or merchandise, are not invoiced at a sum, equal to that for which they have usually sold, in the place or country from whence they were imported, it shall be the duty of such collector to take the said goods, wares and merchandise into his possession, and retain the same at the risk and expense of the owner or consignee thereof, until their value, at the time and place of importation, according to the principles for estimating the same, established by this act, shall be ascertained by two reputable merchants, mutually chosen by the said collector, and owner or assignee, and the duties arising upon such valuation shall be first paid, or secured to be paid, as required by this act in other cases of importation.

And be it further enacted, That it shall be lawful for the collector, or other officer of the customs, after entry made of any goods, wares or merchandise, on suspicion of fraud, to open and examine, in the presence of two or more reputable merchants, any package or packages thereof, and if upon such examination they shall be found to agree with the entries, the officer making such seizure, shall cause the same to be repacked, and delivered to the owner or claimant forthwith, and the expense of such examination shall be paid by the collector, and allowed in the settlement of his accounts; but if any of the packages so examined be found to differ in their contents from the entry, and it shall appear that such difference hath been made with intention to defraud the revenue, then all the goods, wares or merchandise, contained in such package or packages, shall be forfeited: PROVIDED ALWAYS, That if the owner or consignee of such goods as shall not be accompanied with the original invoice, shall choose to wait the receipt of the invoice, in such case, the collector shall take into his possession, all such goods, wares and merchandise, and store the same, at the expense and risk of the owner or consignee, until the invoice shall arrive, or until they agree to have the same valued.

And be it further enacted, That every collector, naval-officer and surveyor, or other person specially appointed by either of them for that purpose, shall have full power and authority, to enter any ship or vessel, in which they shall have reason to suspect any goods, wares or merchandise subject to a duty shall be concealed; and therein to search for, seize, and secure any such goods, wares or merchandise; and if they shall have cause to suspect a concealment thereof, in any particular dwelling house, store, building, or other place, they or either of them, shall, upon application on oath or affirmation to any justice of the peace, be entitled to a warrant, to enter such house, store, or other place (in the day time only) and there to search for such goods, and if any shall be found, to seize and secure the same for trial; and all such goods, wares and merchandise, on which the duties shall not have been paid or secured, shall be forfeited.

And be it further enacted, That all goods, wares and merchandise, which shall be seized by virtue of this act, shall be put into and remain in the custody of the collector, until such proceedings shall be had, as by this act are required, to ascertain whether the same have been forfeited or not, and if it shall be adjudged that they are not forfeited, they shall be forthwith restored to the owner or owners, claimant or claimants thereof. And if any person or persons shall conceal or buy any goods, wares or merchandise, knowing them to be liable to a seizure by this act, such person or persons shall on conviction thereof, forfeit and pay a sum double the value of the goods so concealed or purchased.

And be it further enacted, That it shall be the duty of the several officers to be appointed or employed by virtue of this act, to make seizure of, and secure any ship or vessel, goods, wares or merchandise, which shall be liable to seizure by virtue of this act, as well without, as within their respective districts.

And be it further enacted, That if any officer or other person, executing, or aiding and assisting in the seizure of goods, shall be sued or molested for any thing done in virtue of the powers given by this act, or by virtue of a warrant granted by any judge or justice pursuant to law, such officer or other person may plead the general issue, and give this act in evidence; and if in such suit the plaintiff be non-suited, or judgment pass against him, the defendant shall recover double cost: and in all actions, suits or informations to be brought, where any seizure shall be made pursuant to this act, if the property be claimed by any person, in every such case the onus probandi shall be upon such claimant; and if any person shall forcibly resist, prevent, or impede any officer of the customs, or their deputies, or any person assisting them in the execution of their duty, such persons so offending shall for every offence be fined in a sum not exceeding four hundred dollars.

And be it further enacted, That every collector, naval-officer and surveyor, shall within three months after he enters upon the execution of his office, give bond with one or more sufficient sureties, to be approved of by the comptroller of the treasury of the United States, and payable to the said United States, conditioned for the true and faithful discharge of the duties of his office according to law; that is to say, the collector of Philadelphia in the sum of fifty thousand dollars, the collector of New-York, fifty thousand dollars, the collector of Boston forty thousand dollars, the collector of Baltimore-town and Charleston, thirty thousand dollars, the collector of Norfolk and Portsmouth, fifteen thousand dollars, the collectors of Portsmouth in New-Hampshire, of Salem and Beverly, Wilmington, Annapolis, George-town in Maryland, Bermuda-Hundred and City-point, and Alexandria, ten thousand dollars each, the collectors of Newbury-Port, Gloucester, Marblehead, Plymouth, Nantucket, Portland and Falmouth, New-London, New-Haven, Fairfield, Perth-Amboy, Chester, Oxford, York-town, Dumfries, George-town in South Carolina, Beaufort, and Savanna, each five thousand dollars, and all the other collectors, in the sum of two thousand dollars each. The naval officers for the ports of Boston, New-York, Philadelphia, Baltimore-town and Charleston ten thousand dollars each, and all other naval officers in the sum of two thousand dollars each. The surveyors of the ports of Boston, New-York, Philadelphia, Baltimore-town, and Charleston five thousand dollars each, and all other surveyors one thousand dollars each, which bonds shall be filed in the office of the said comptroller, and be by him severally put in suit for the benefit of the United States, upon any breach of the condition thereof.

And be it further enacted, That there shall be allowed and paid to the collectors, naval-officers and surveyors, to be appointed pursuant to this act, the fees and per centage following, that is to say; to each collector, for every entrance of any ship or vessel of one hundred tons burthen or upwards, two dollars and an half, for every clearance of any ship or vessel, of one hundred tons burthen and upwards, two dollars and an half; for every entrance of any ship or vessel under the burthen of one hundred tons, one dollar and an half; for every clearance of any ship or vessel under one hundred tons burthen, one dollar and an half; for every permit to land goods, twenty cents; for every bond taken officially, forty cents; and for every permit to load goods for exportation, which are entitled to a drawback, thirty cents; for official certificate, twenty cents; for every bill of health,

twenty cents; for every other official document, (registers excepted) required by the owner or master of every vessel, not before enumerated, twenty cents; and where a naval-officer is appointed to the same port, the said fees shall be equally divided between the collector and the said naval-officer, apportioning to each his moiety of the necessary expenses of stationery and the rent of an office to be provided by the collector, in the place of his residence, most convenient for the trade of the district, in which the said collector and naval-officer, shall each have at least one separate room; and the said fees shall be received by the collector, who shall settle the accounts monthly, and pay to the naval-officer the balance which may be due to him on such monthly settlement. To each surveyor there shall be allowed, for all the services required by law, to be performed by such surveyor, on board any ship or vessel of one hundred tons and upwards, and having on board goods, wares and merchandise, subject to duty, three dollars, for the like services on board any ship or vessel of less than one hundred tons burthen, having on board goods, wares and merchandise subject to duty, one and an half dollars, on all vessels not having on board goods, wares and merchandise subject to duty, two thirds of a dollar; all which fees shall be paid to the collector, by the master or owner of the ship or vessel, in which the services are performed, and the said collector shall pay weekly to the surveyor the fees so received; to each inspector there shall be allowed for every day he shall be actually employed in aid of the customs, a sum not exceeding one dollar and twenty-five cents, to be paid by the collector out of the revenue, and charged to the public; to the measurers, weighers and gaugers respectively for their services, shall be allowed, and paid by the collector out of the revenue, for the measurement of every one hundred bushels of salt or grain, eighteen cents; for the measurement of every one hundred bushels of coal, twenty-five cents; for the weighing of every one hundred and twelve pounds, one cent; for the gauging of every cask six cents. There shall moreover be allowed to the collectors at each of the following ports, to wit: Boston, Salem and Beverly, New-York, Philadelphia, Baltimore, Norfolk and Portsmouth, and Charleston, one half per centum on the amount of all monies, by them respectively received and paid into the treasury of the United States. Every collector, naval-officer and surveyor, shall cause to be affixed, and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees, and duties demandable by law, and in case of failure therein, shall forfeit and pay one hundred dollars, to be recovered with costs, in any court having cognizance thereof, to the use of the informer; and if any officer of the customs shall demand, or receive any greater or other fee, compensation or reward, for executing any duty or service required of him by law, he shall forfeit and pay two hundred dollars for each offence, recoverable in manner aforesaid, for the use of the party aggrieved.

And be it further enacted, That the duties and fees to be collected by virtue of this act, shall be received in gold and silver coin only, at the following rates, that is to say, the gold coins of France, England, Spain, and Portugal, and all other gold coin of equal fineness, at eighty-nine cents for every penny-weight. The Mexican dollar at one hundred cents; the crown of France at one dollar and eleven cents; the crown of England at one dollar and eleven cents; and all silver coins of equal fineness at one dollar and eleven cents per ounce.

And be it further enacted, That all the drawbacks allowed by law on the exportation of goods, wares and merchandise imported, shall be paid or allowed by the collector at whose office the said goods, wares and merchandise were originally entered, and not otherwise, retaining one per centum for the benefit of the United States.

PROVIDED ALWAYS, and *be it further enacted,* That no goods, wares or merchandise entitled to drawback, shall be reladen before an entry shall be made with the collector of the port from whence such goods are intended to be exported; which entry shall contain a particular account of the casks and packages, the marks, numbers and contents, the cost thereof, the vessel or vessels in which they were imported, and the place or places imported from; and the person or persons intending to export such goods, shall give bond, with one or more sufficient sureties, that the same or any part thereof, shall not be reladen in any port or place within the limits of the United States, as settled by the late treaty of peace; and shall moreover make oath or affirmation as to the truth of the entry, that the goods, wares and merchandise, are in quantity, quality and value, as therein expressed, according to the inward entry thereof, which entry was duly made at the time of importation pursuant to the directions of this act; and that the quality is the same as at the time of importation; and the exporter of such goods shall not be entitled to drawback the duties, until at least six months after the exportation thereof, and until he shall produce to the collector with whom such outward entry is made, a certificate in writing of two reputable merchants, at the foreign port or place in which the same were landed, together with the oath or affirmation of the master and mate of the vessel in which they were exported, certifying the delivery thereof; but in case any vessel shall be cast away, or meet with such unavoidable accidents as to prevent the landing such goods, a protest in due form of law, made by the master and mate, or some of the seamen, or in case no such protest can be had, then the oath or affirmation of the exporter shall be received in lieu of the other proofs herein directed, unless there shall be good reason to suspect the truth of such oath or affirmation, in which case it shall and may be lawful for the collector to require such further proof as the nature of the case may demand. *PROVIDED ALSO,* That no goods, wares or merchandise imported, shall be entitled to a drawback of the duties paid, or secured to be paid thereon, unless such duties shall amount to twenty dollars at the least; nor unless they shall be exported in the same cask, package or packages, and from the port or district into which they were originally imported, and moreover shall be reladen under the inspection of the collector, naval-officer, or surveyor of the port.

And be it further enacted, That the sums allowed to be paid by law on the exportation of dried or pickled fish, and of salted provisions, shall be paid by the collector of the port or district from whence the same shall be exported: *PROVIDED,* That due entry thereof shall be first made, and bonds given, as in case of drawbacks, and that no such allowance shall be made, unless it shall amount to three dollars at the least upon any one entry.

And be it further enacted, That if any goods, wares or merchandise, entered for exportation, with a view to drawback the duties, or to obtain any allowance given by law on the exportation thereof, shall be landed in any port or place within the limits of the United States as aforesaid, all such goods, wares and merchandise shall be subject to seizure and forfeiture, together with the vessel from which such goods shall be landed, and the vessels or boats used in landing the same, and all persons concerned therein, shall on indictment and conviction thereof, suffer imprisonment for a term not exceeding six months; and for discovery of frauds, and seizure of goods, wares and merchandise, reladen contrary to law, the several officers established by this act shall have the same powers, and in case of seizure the same proceedings shall be had, as in the case of goods, wares and merchandise imported contrary to law: And for measuring, weighing or gauging goods for exportation, the same fees shall be allowed as in like cases upon the importation thereof.

And be it further enacted, That if any officer of the customs, shall directly or indirectly, take or receive any bribe, reward or recompence for conniving, or shall connive at a false entry of any ship or vessel, or of any goods, wares or merchandise, and shall be thereof convicted, every such officer shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence, and be forever disabled from holding any office of trust or profit under the United States; and any person giving

or offering any bribe, recompence or reward, for any such deception, collusion or fraud, shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence. And in all cases where an oath or affirmation is by this act required from a master or other person, having command of a ship or vessel, or from an owner or consignee of goods, wares and merchandise, if the person so swearing or affirming, shall swear or affirm falsely, such person shall, on indictment and conviction thereof, be punished by fine or imprisonment, or both, in the discretion of the court before whom the conviction shall be had, so as the fine shall not exceed one thousand dollars, and the term of imprisonment shall not exceed twelve months.

And be it further enacted, That all penalties accruing by any breach of this act, shall be sued for and recovered with costs of suit, in the name of the United States, in any court proper to try the same, by the collector of the district where the same accrued, and not otherwise, unless in case of penalty relating to an officer of the customs; and such collector shall be, and hereby is authorized and directed to sue for and prosecute the same to effect, and to distribute and pay the sum recovered, after first deducting all necessary costs and charges, according to law. And all ships or vessels, goods wares and merchandise, which shall become forfeited by virtue of this act, shall be seized, labelled and prosecuted as aforesaid, in the proper court having cognizance thereof; and the court shall cause fourteen days notice to be given of such seizure and label, by causing the substance of such label, with the order of the court thereon, setting forth the time and place appointed for trial, to be inserted in some public newspaper, nearest the place of seizure, and also by posting up the same in the most public manner for the space of fourteen days, at or near the place of trial; and proclamation shall be made in such manner as the court shall direct; and if no person shall appear to claim such ship or vessel, goods, wares or merchandise, the same shall be adjudged to be forfeited; but if any person shall appear before such judgment of forfeiture, and claim any such ship or vessel, goods, wares or merchandise, and shall give bond to defray the prosecution thereof, and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law: And upon the prayer of any claimant to the court, that any ship or vessel, goods, wares or merchandise so seized and prosecuted, or any part thereof should be delivered to such claimant, it shall be lawful for the court to appoint three proper persons to appraise such ship or vessel, goods, wares or merchandise, who shall be sworn in open court for the faithful discharge of their duty; and such appraisal shall be made at the expense of the party on whose prayer it is granted; and on the return of such appraisal, if the claimant shall, with one or more sureties, to be approved of by the court, execute a bond in the usual form, to the United States, for the payment of a sum equal to the sum at which the ship or vessel, goods, wares, or merchandise so prayed to be delivered, be appraised, the court shall by rule order such ship or vessel, goods, wares or merchandise, to be delivered to the said claimant, and the said bond shall be lodged with the proper officer of the court; and if judgment shall pass in favor of the claimant, the court shall cause the said bond to be cancelled; but if judgment shall pass against the claimant, as to the whole or any part of such ship or vessel, goods, wares or merchandise, and the claimant shall not within twenty days thereafter pay into the court the amount of the appraised value of such ship or vessel, goods, wares or merchandise so condemned, with the costs, the bond shall be put in suit: And when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares or merchandise, and judgment shall be given for the claimant or claimants; if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the same court shall cause a proper certificate or entry to be made thereof, and in such case the claimant shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor be liable to action, judgment or suit, on account of such seizure or prosecution. *PROVIDED,* That the ship or vessel, goods, wares or merchandise be after judgment forthwith returned to such claimants, his or their agents: *AND PROVIDED,* That no action or prosecution shall be maintained in any case under this act, unless the same shall have been commenced within three years next after the penalty or forfeiture was incurred.

And be it further enacted, That all ships, vessels, goods, wares or merchandise, which shall be condemned by virtue of this act, shall be sold by the proper officer of the court in which such condemnation shall be had, to the highest bidder at public auction, by order of such court, and at such place as the court may appoint, giving at least fifteen days notice (except in case of perishable goods) in one or more public newspapers of the place where such sale shall be, or if no paper is published in such place, in one or more of the papers published in the nearest place thereto.

And be it further enacted, That all penalties, fines and forfeitures, recovered by virtue of this act (and not otherwise appropriated) shall, after deducting all proper costs and charges, be disposed of as follows: One moiety shall be for the use of the United States, and paid into the treasury thereof; the other moiety shall be divided into three equal parts, and paid to the collector, naval-officer and surveyor of the district wherein the same shall have been incurred, and in such districts where only two of the aforesaid officers shall have been established the said moiety shall be equally divided between them; and in such districts where only one of the aforesaid officers shall have been established, the said moiety shall be given to such officer: *PROVIDED NEVERTHELESS,* That in all cases where such penalties, fines, and forfeitures, shall be recovered in pursuance of information given to such collector, by any person, other than the said naval-officer, and surveyor, the one half of such moiety shall be given to the informer, and the remainder thereof shall be disposed of between the collector, naval-officer and surveyor, in manner and form as above limited and expressed.

AND WHEREAS, The States of Rhode-Island and Providence-Plantations, and North-Carolina, have not yet ratified the present constitution of the United States, by reason whereof this act doth not extend to the collecting of duties within either of the said two States, and it is thereby become necessary, that the following provision with respect to goods, wares or merchandise imported from either of the said two States should for the present take place;

Be it therefore further enacted, That all goods, wares and merchandise not of their own growth or manufacture, which shall be imported from either of the said two States of Rhode-Island and Providence-Plantations, or North-Carolina, into any other port or place, within the limits of the United States, as settled by the late treaty of peace, shall be subject to the like duties, seizures and forfeitures, as goods, wares or merchandise, imported from any State or country without the said limits.

And be it further enacted, That no goods, wares or merchandise of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States, in any other manner than by sea, nor in any ship or vessel less than thirty tons burthen, except within the district of Louisville, and except also in such vessels as are now actually on their voyages; nor shall be landed, or unladed, at any other place than is by this act directed, under the penalty of seizure and forfeiture, of all such vessels, goods, wares or merchandise, brought in, landed or unladed in any other manner. And all goods, wares and merchandise brought into the United States by land, contrary to this act, shall be forfeited, together with the carriages, horses, and oxen, that shall be employed in conveying the same.

FREDERICK AUGUSTUS MUHLBERG,
Speaker of the House of Representatives.
JOHN ADAMS, Vice-President of the United States,
and President of the Senate.

APPROVED, JULY 31, 1789.

GEORGE WASHINGTON, President of the United States.

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